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10/809,812	03/26/2004	Kunihiko Kanai	524642002200	7944												
7590 Barry E. Bretschneider Morrison & Foerster LLP Suite 300 1650 Tysons Boulevard McLean, VA 22102		05/17/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">CUTLER, ALBERT H</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2622</td><td></td></tr><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>05/17/2007</td><td>PAPER</td></tr></table>		EXAMINER		CUTLER, ALBERT H		ART UNIT	PAPER NUMBER	2622		MAIL DATE	DELIVERY MODE	05/17/2007	PAPER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/809,812

Applicant(s)

KANAI, KUNIIHIKO

Examiner

Albert H. Cutler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004 and 12/13/04
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____                                                           | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This office action is responsive to application 10/809812 filed on March 26, 2004. Claims 1, 2, and 4-16 are pending in the application and have been examined by the examiner.

### ***Information Disclosure Statement***

2. The Information Disclosure Statements (IDS) mailed on November 19, 2003 and March 26, 2004 were received and have been considered by the examiner.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4, 7, 12, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kakiuchi(US Patent 5,835,143).

Consider claim 1, Kakiuchi teaches:

A method of detecting a focal length(Figures 5A, 5B, 5C, 6, and 7, column 4, lines 8 through column 5, lines 65), comprising:

obtaining, while changing the focal length of an optical system, multiple image data selected from among image data including brightness data and a plurality of color

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data(A plurality of color data is obtained, including magenta, yellow, and cyan data, column 4, lines 12-15, step 102, figure 5a. This color data is obtained while changing the focal length in steps 106 and 111 of figures 5B and 5C. See column 5, lines 17-49. Color signals G, Ng, Ye, and Cy are stored in memory when the focal length is changed.); and

calculating a focal length from the obtained multiple image data by using a peak value of contrast evaluated values of said multiple image data(See column 5, lines 1-7. The AF signal of the color having the highest contrast(i.e. a peak value of contrast evaluated values) is used to perform auto-focus(i.e. to calculate a focal length). The data of the color having the highest contrast is obtained from among the multiple image data of all the different colors. See step 105 for choosing which color data to use, and steps 106 and 111 for calculating the focal length.).

Consider claim 4, and as applied to claim 1 above, Kakiuchi teaches:

A method of detecting a focal length as claimed in claim 1, further comprising: providing a photographing mode for calculating a focal length by using only image data that consists of color data of a specific color selected based on a subject(Color data consisting of a specific color is used to calculate the focal length in steps 106 and 111. That specific color is chosen based on the degree of contrast, column 5, lines 1-7, step 105. Because the degree of contrast of the different colors is based on the acquired color image data, the color data chosen to calculate the focal length is based on the subject.).

Consider claim 7, Kakiuchi teaches:

A focusing device(figure 1), comprising:

an image pickup device(CCD, 21),

an optical system(lens, 11) for forming an image on said image pickup device(21),

an optical system driver(motor, 12) for changing the focal length of said optical system(column 2, lines 61-65), and

an image processor(10) for processing image data output from said image pickup device(column 3, lines 21-24) and controlling said optical system driver(column 2, lines 61-65), wherein

the image processor(10) is adapted to:

while changing the focal length of said optical system, obtain multiple image data selected from among image data of brightness data and a plurality of color data(A plurality of color data is obtained, including magenta, yellow, and cyan data, column 4, lines 12-15, step102, figure 5a. This color data is obtained while changing the focal length in steps 106 and 111 of figures 5B and 5C. See column 5, lines 17-49. Color signals G, Ng, Ye, and Cy are stored in memory when the focal length is changed.), and

calculate a focal length from the obtained multiple image data by using the peak value of contrast evaluated values of said multiple image data(See column 5, lines 1-7. The AF signal of the color having the highest contrast(i.e. a peak value of contrast evaluated values) is used to perform auto-focus(i.e. to calculate a focal length). The

data of the color having the highest contrast is obtained from among the multiple image data of all the different colors. See step 105 for choosing which color data to use, and steps 106 and 111 for calculating the focal length.).

Consider claim 12, Kakiuchi teaches:

An image capturing method comprising:

using color data of a plurality of colors to detect a focal length for each respective color data and capturing an image at each focal length detected for each respective color data (Color data for each respective color of a plurality of colors is obtained for calculating a focal length, column 3, lines 1-24. The color data for each respective color can be used to calculate the focal length, column 3 lines 21-24, column 3, line 35 through column 4, line 7. One color is chosen to detect the focal length based on which color has the highest degree of contrast in the image. However, because the chosen "one color" can be any of the colors, the image can be captured at each focal length detected for each respective color data. Kakiuchi further teaches that two or more colors can be used to detect the focal length, column 6, lines 8-10.).

Consider claim 15, Kakiuchi teaches:

An image capturing apparatus (figure 1) comprising:

an image pickup device (21),

an optical system (11) for forming an image on said image pickup device (21),

an optical system driver(12) for changing the focal length of said optical system(column 2, lines 61-65), and

an image processor(10) for processing image data output from said image pickup device(column 3, lines 21-24) and controlling said optical system driver(column 2, lines 61-65), wherein:

the image processor(10) is adapted to:

obtain a plurality of image data of each respective color data while changing the focal length of said optical system(A plurality of color data is obtained, including magenta, yellow, and cyan data, column 4, lines 12-15, step102, figure 5a. This color data is obtained while changing the focal length in steps 106 and 111 of figures 5B and 5C. See column 5, lines 17-49. Color signals G, Ng, Ye, and Cy are stored in memory when the focal length is changed.), and

calculate a focal length for each respective color data mentioned above by using the peak value of contrast evaluated values calculated from the obtained multiple image data(See column 5, lines 1-7. The AF signal of the color having the highest contrast(i.e. a peak value of contrast evaluated values) is used to perform auto-focus(i.e. to calculate a focal length). The data of the color having the highest contrast is obtained from among the multiple image data of all the different colors. See step 105 for choosing which color data to use, and steps 106 and 111 for calculating the focal length.); and

perform image capturing at each focal length calculated for each respective color data(Because the chosen "one color" can be any of the colors, the image can be captured at each focal length detected for each respective color data. Kakiuchi further

teaches that two or more colors can be used to detect the focal length, column 6, lines 8-10.).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 2, 5(1), 5(2), 5(4), 10(7), and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakiuchi in view of Watanabe et al. (US Patent Application Publication 2003/0063212).

Consider claim 2, and as applied to claim 1 above, Kakiuchi teaches of capturing multiple image data containing data of multiple colors, and automatically selecting color data to be used for calculating a focal point(see claim 1 rationale). However, Kakiuchi does not explicitly teach of applying weighting factors.



Watanabe et al. is similar to Kakiuchi in that Watanabe et al. include a camera, which has a lens system with a driver for changing a focal length, and an image pickup device, see figure 1. Watanabe et al. is further similar in that focusing conditions are changed using the contrast method(paragraph 0005).

However, in addition to the teachings of Kakiuchi, Watanabe et al. teach of applying weighting factors based on the conditions set for each image data(Step 116, figure 3, paragraphs 0087-0092, 0161-0162).

Therefore, it would have been obvious to a person having ordinary skill at the time of the invention to using weighting values as taught by Watanabe et al. to weight the evaluated values of each respective color data as taught by Kakiuchi in order to sustain a high level of focal adjustment accuracy by calculating the correct focus evaluation values in differing image capturing conditions(Watanabe et al., paragraph 0014).

Consider claim 5, and as applied to claim 1 above, Kakiuchi does not explicitly teach of emitting auxiliary light with given color data when the image data is obtained, and performing weighting of the evaluated values of the color image data based on the color data of the emitted auxiliary light.

Watanabe et al. is similar to Kakiuchi in that Watanabe et al. include a camera, which has a lens system with a driver for changing a focal length, and an image pickup device, see figure 1. Watanabe et al. is further similar in that focusing conditions are changed using the contrast method(paragraph 0005).

However, Watanabe et al. teach of emitting auxiliary light, paragraph 0072. An auxiliary light(122, figure 1) is used to illuminate the subject when the brightness level is low in order to perform correct auto-focus. The auxiliary light inherently produces given color data, and illuminates a subject when the brightness is low so that auto-focus image data(i.e. the image data) can be obtained.

Watanabe et al. further teach of performing weighting of the evaluated values of the color image data(Step 116, figure 3, paragraphs 0087-0092, 0161-0162). Because the auto-focus data is obtained while the illumination auxiliary light is on, the evaluation values of the color image data are based on the color data of the emitted auxiliary light.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to weight the evaluation values and use an auxiliary light as taught by Watanabe et al. in the method for detecting a focal length taught by Kakiuchi in order to sustain a high level of focal adjustment accuracy by calculating the correct focus evaluation values in differing image capturing conditions(Watanabe et al., paragraph 0014) and compensate for low lighting conditions(Watanabe et al., paragraph 0072).

Consider claim 5, and as applied to claim 4 above, Kakiuchi does not explicitly teach of emitting auxiliary light with given color data when the image data is obtained, and performing weighting of the evaluated values of the color image data based on the color data of the emitted auxiliary light.

Watanabe et al. is similar to Kakiuchi in that Watanabe et al. include a camera, which has a lens system with a driver for changing a focal length, and an image pickup device, see figure 1. Watanabe et al. is further similar in that focusing conditions are changed using the contrast method(paragraph 0005).

However, Watanabe et al. teach of emitting auxiliary light, paragraph 0072. An auxiliary light(122, figure 1) is used to illuminate the subject when the brightness level is low in order to perform correct auto-focus. The auxiliary light inherently produces given color data, and illuminates a subject when the brightness is low so that auto-focus image data(i.e. the image data) can be obtained.

Watanabe et al. further teach of performing weighting of the evaluated values of the color image data(Step 116, figure 3, paragraphs 0087-0092, 0161-0162). Because the auto-focus data is obtained while the illumination auxiliary light is on, the evaluation values of the color image data are based on the color data of the emitted auxiliary light.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to weight the evaluation values and use an auxiliary light as taught by Watanabe et al. in the method for detecting a focal length taught by Kakiuchi in order to sustain a high level of focal adjustment accuracy by calculating the correct focus evaluation values in differing image capturing conditions(Watanabe et al., paragraph 0014) and compensate for low lighting conditions(Watanabe et al., paragraph 0072).

Consider claim 5, and as applied to claim 2 above, Watanabe et al. further teach of emitting auxiliary light, paragraph 0072. An auxiliary light(122, figure 1) is used to illuminate the subject when the brightness level is low in order to perform correct auto-focus. The auxiliary light inherently produces given color data, and illuminates a subject when the brightness is low so that auto-focus image data(i.e. the image data) can be obtained.

Watanabe et al. further teach of performing weighting of the evaluated values of the color image data(Step 116, figure 3, paragraphs 0087-0092, 0161-0162). Because the auto-focus data is obtained while the illumination auxiliary light is on, the evaluation values of the color image data are based on the color data of the emitted auxiliary light.

Consider claim 10, and as applied to claim 7 above, Kakiuchi does not explicitly teach of emitting auxiliary light with given color data when the image data is obtained.

Watanabe et al. is similar to Kakiuchi in that Watanabe et al. include a camera, which has a lens system with a driver for changing a focal length, and an image pickup device, see figure 1. Watanabe et al. is further similar in that focusing conditions are changed using the contrast method(paragraph 0005).

However, Watanabe et al. teach of emitting auxiliary light, paragraph 0072. An auxiliary light(122, figure 1) is used to illuminate the subject when the brightness level is low in order to perform correct auto-focus. The auxiliary light inherently produces given color data, and illuminates a subject when the brightness is low so that auto-focus image data(i.e. the image data) can be obtained.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to use an auxiliary light as taught by Watanabe et al. in the method for detecting a focal length taught by Kakiuchi in order to sustain a high level of focal adjustment accuracy by calculating the correct focus evaluation values in differing image capturing conditions(Watanabe et al., paragraph.0014) and compensate for low lighting conditions(Watanabe et al., paragraph 0072).

Consider claim 13, and as applied to claim 12 above, Kakiuchi teaches detecting focal lengths by using color data of a plurality of colors(see claim 12 rationale), and capturing images at the respected focal lengths that have been detected(Images are captured at focal lengths detected for the color with the highest amount of contrast, column 5, lines 20-28).

However, Kakiuchi does not explicitly teach of simultaneously selecting a plurality of photographing modes can be selected, and detecting focal lengths for each one of the selected photographing modes.

Watanabe et al. teach that a plurality of photographing modes can be selected, paragraphs 0071 and 0090. Watanabe et al. further teach of weighting the focus evaluation values(i.e. detecting the focal length) based on the selected photography mode, paragraphs 0090 and 0091.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to have a plurality of modes in which different focusing

conditions are used as taught by Watanabe et al. in the image capturing method taught by Kakiuchi in order to ensure that the subject of the image is properly focused and apply a greater weight to the portion of interest in the photograph(Watanabe et al., paragraphs 0018, 0090-0091).

8. Claims 6(1), 6(4), 8, 9, 11(7), 11(8), 11(9) and 14(12) are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakiuchi in view of Omata et al.(US Patent 6,067,114).

Consider claim 6, and as applied to claim 1 above, Kakiuchi teaches of detecting focal lengths based on multiple image data, specifically detecting the focal length based on the image data which has the peak contrast value(see claim 1 rationale). However, Kakiuchi does not explicitly teach of a plurality of image detecting areas adjacent to one another.

Omata et al. is similar to Kakiuchi in that Omata et al. include a camera, which has a lens system with a driver for changing a focal length, and an image pickup device, see figures 1 and 2. Omata et al. is further similar in that brightness data from the image sensor can be used for focusing(column 1, lines 45-65).

Omata et al. teach setting a plurality of image detecting areas adjacent to one another in obtained image data(see figure 5, column 3, lines 34-37),

calculating a partial focal length for each image detecting area(See column 3, lines 39-46, column 5, lines 8-18. A focus evaluation value(i.e. partial focal length) is calculated for each image detecting area.),

calculating the reliability of each image detecting area based on the position at which said peak value has been recorded moving across the multiple image data(The reliability of each image detecting area is determined by comparing the image detecting area to the surrounding image detecting areas, column 5, lines 18-44. See figure 6, block g(3,4) is judged reliable and used for focal length detection if the pixels around it are of the same object distance. This position correlates to the position of the maximum focus evaluation value(i.e. peak value), column 5, lines 32-36.), and

selecting a focal length from a group consisting of said partial focal lengths(column 5, lines 18-44) and at least one given focal length(A predetermined(i.e. given) focal length may be used to detect a depth of field, column 3, line 67 through column 4, line 3.), said focal length selected based on the reliability and the evaluated values of each respective image detecting area(See column 5, lines 18-44. Each image detecting area is used to establish a focus evaluation value, and these values are compared to determine the reliability of the areas and use the appropriate one containing the main subject.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to divide an image into a plurality of image detecting areas adjacent to one another and use the plurality of areas to determine focus values and reliability as taught by Omata et al., with the multiple image data captured by Kakiuchi

for the benefit of being able to accurately detect a compositional change in an image so that a continuous focus can be achieved on a main object which an operator intends to focus(Omata et al., column 1, line 66 through column 2, line 2).

Consider claim 6, and as applied to claim 4 above, Kakiuchi teaches of detecting focal lengths based on multiple image data, specifically detecting the focal length based on the image data which has the peak contrast value(see claim 1 rationale). However, Kakiuchi does not explicitly teach of a plurality of image detecting areas adjacent to one another.

Omata et al. is similar to Kakiuchi in that Omata et al. include a camera, which has a lens system with a driver for changing a focal length, and an image pickup device, see figures 1 and 2. Omata et al. is further similar in that brightness data from the image sensor can be used for focusing(column 1, lines 45-65).

Omata et al. teach setting a plurality of image detecting areas adjacent to one another in obtained image data(see figure 5, column 3, lines 34-37),

calculating a partial focal length for each image detecting area(See column 3, lines 39-46, column 5, lines 8-18. A focus evaluation value(i.e. partial focal length) is calculated for each image detecting area.),

calculating the reliability of each image detecting area based on the position at which said peak value has been recorded moving across the multiple image data(The reliability of each image detecting area is determined by comparing the image detecting



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area to the surrounding image detecting areas, column 5, lines 18-44. See figure 6, block g(3,4) is judged reliable and used for focal length detection if the pixels around it are of the same object distance. This position correlates to the position of the maximum focus evaluation value(i.e. peak value), column 5, lines 32-36.), and

selecting a focal length from a group consisting of said partial focal lengths(column 5, lines 18-44) and at least one given focal length(A predetermined(i.e. given) focal length may be used to detect a depth of field, column 3, line 67 through column 4, line 3.), said focal length selected based on the reliability and the evaluated values of each respective image detecting area(See column 5, lines 18-44. Each image detecting area is used to establish a focus evaluation value, and these values are compared to determine the reliability of the areas and use the appropriate one containing the main subject.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to divide an image into a plurality of image detecting areas adjacent to one another and use the plurality of areas to determine focus values and reliability as taught by Omata et al., with the multiple image data captured by Kakiuchi for the benefit of being able to accurately detect a compositional change in an image so that a continuous focus can be achieved on a main object which an operator intends to focus(Omata et al., column 1, line 66 through column 2, line 2).

Consider claim 8, and as applied to claim 7 above, Kakiuchi et al. teach of using respective color image data to set a focal length(see claim 7 rationale). However,

Kakiuchi do not explicitly teach that the focus device is provided with an operating means which enables the operator to perform by the operator's discretion weighting of evaluated values of image data.

Omata et al. is similar to Kakiuchi in that Omata et al. include a camera, which has a lens system with a driver for changing a focal length, and an image pickup device, see figures 1 and 2. Omata et al. is further similar in that brightness data from the image sensor can be used for focusing(column 1, lines 45-65).

However, in addition to the teachings of Kakiuchi, Omata et al. teach of breaking the image into sub-image areas and obtaining focus evaluation values for each sub image area(see figure 8). Omata et al. further teach the focus device is provided with an operating means which enables the operator to perform by the operator's discretion weighting of evaluated values of image data(Omata et al. teach that weights are assigned based on the composition of the image, column 5, line 55 through column 6, line 55. The user chooses a main object and the focusing lens is focused on the main object, column 4, lines 4-19. Therefore, because the user(i.e. operator) determines the main object(i.e. performs discretion), and the evaluation values are weighted according to what the main object is, an operating means of the camera enables the operator to perform the operator's discretion weighting of evaluated values of image data.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to weight the focus evaluation values taught by Kakiuchi using the weighting method taught by Omata et al. for the benefit of being able to accurately detect a compositional change in an image so that a continuous focus can be

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achieved on a main object which an operator intends to focus(Omata et al., column 1, line 66 through column 2, line 2).

Consider claim 9, and as applied to claim 7 above, Kakiuchi et al. teach of an image processor, and of using respective color image data to set a focal length(see claim 7 rationale). However, Kakiuchi do not explicitly teach that the image processor is adapted to automatically perform weighting of the evaluated values of each image data.

Omata et al. is similar to Kakiuchi in that Omata et al. include a camera, which has a lens system with a driver for changing a focal length, and an image pickup device, see figures 1 and 2. Omata et al. is further similar in that brightness data from the image sensor can be used for focusing(column 1, lines 45-65).

However, in addition to the teachings of Kakiuchi, Omata et al. teach of breaking the image into sub-image areas and obtaining focus evaluation values for each sub image area(see figure 8). Omata et al. further teach that the image processor is adapted to automatically perform weighting of the evaluated values of each image data(Weighting is performed on evaluated values based on the position in the image(i.e. the conditions set for each image data), column 5, line 55 through column 6, line 55.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to weight the focus evaluation values taught by Kakiuchi using the weighting method taught by Omata et al. for the benefit of being able to accurately detect a compositional change in an image so that a continuous focus can be

achieved on a main object which an operator intends to focus(Omata et al., column 1, line 66 through column 2, line 2).

Consider claim 11, and as applied to claim 7 above, Kakiuchi teaches of detecting focal lengths based on multiple image data, specifically detecting the focal length based on the image data which has the peak contrast value(see claim 1 rationale). However, Kakiuchi does not explicitly teach of a plurality of image detecting areas adjacent to one another.

Omata et al. is similar to Kakiuchi in that Omata et al. include a camera, which has a lens system with a driver for changing a focal length, and an image pickup device, see figures 1 and 2. Omata et al. is further similar in that brightness data from the image sensor can be used for focusing(column 1, lines 45-65).

Omata et al. teach setting a plurality of image detecting areas adjacent to one another in obtained image data(see figure 5, column 3, lines 34-37),

calculating a partial focal length for each image detecting area(See column 3, lines 39-46, column 5, lines 8-18. A focus evaluation value(i.e. partial focal length) is calculated for each image detecting area.),

calculating the reliability of each image detecting area based on the position at which said peak value has been recorded moving across the multiple image data(The reliability of each image detecting area is determined by comparing the image detecting area to the surrounding image detecting areas, column 5, lines 18-44. See figure 6, block g(3,4) is judged reliable and used for focal length detection if the pixels around it

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are of the same object distance. This position correlates to the position of the maximum focus evaluation value(i.e. peak value), column 5, lines 32-36.), and

selecting a focal length from a group consisting of said partial focal lengths(column 5, lines 18-44) and at least one given focal length(A predetermined(i.e. given) focal length may be used to detect a depth of field, column 3, line 67 through column 4, line 3.), said focal length selected based on the reliability and the evaluated values of each respective image detecting area(See column 5, lines 18-44. Each image detecting area is used to establish a focus evaluation value, and these values are compared to determine the reliability of the areas and use the appropriate one containing the main subject.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to divide an image into a plurality of image detecting areas adjacent to one another and use the plurality of areas to determine focus values and reliability as taught by Omata et al., with the multiple image data captured by Kakiuchi for the benefit of being able to accurately detect a compositional change in an image so that a continuous focus can be achieved on a main object which an operator intends to focus(Omata et al., column 1, line 66 through column 2, line 2).

Consider claim 11, and as applied to claim 8 above, Kakiuchi teaches of detecting focal lengths based on multiple image data, specifically detecting the focal length based on the image data which has the peak contrast value(see claim 1

rationale). However, Kakiuchi does not explicitly teach of a plurality of image detecting areas adjacent to one another.

Omata et al. teach setting a plurality of image detecting areas adjacent to one another in obtained image data(see figure 5, column 3, lines 34-37),

calculating a partial focal length for each image detecting area(See column 3, lines 39-46, column 5, lines 8-18. A focus evaluation value(i.e. partial focal length) is calculated for each image detecting area.),

calculating the reliability of each image detecting area based on the position at which said peak value has been recorded moving across the multiple image data(The reliability of each image detecting area is determined by comparing the image detecting area to the surrounding image detecting areas, column 5, lines 18-44. See figure 6, block g(3,4) is judged reliable and used for focal length detection if the pixels around it are of the same object distance. This position correlates to the position of the maximum focus evaluation value(i.e. peak value), column 5, lines 32-36.), and

selecting a focal length from a group consisting of said partial focal lengths(column 5, lines 18-44) and at least one given focal length(A predetermined(i.e. given) focal length may be used to detect a depth of field, column 3, line 67 through column 4, line 3.), said focal length selected based on the reliability and the evaluated values of each respective image detecting area(See column 5, lines 18-44. Each image detecting area is used to establish a focus evaluation value, and these values are compared to determine the reliability of the areas and use the appropriate one containing the main subject.).

Consider claim 11, and as applied to claim 9 above, Kakiuchi teaches of detecting focal lengths based on multiple image data, specifically detecting the focal length based on the image data which has the peak contrast value(see claim 1 rationale). However, Kakiuchi does not explicitly teach of a plurality of image detecting areas adjacent to one another.

Omata et al. teach setting a plurality of image detecting areas adjacent to one another in obtained image data(see figure 5, column 3, lines 34-37),

calculating a partial focal length for each image detecting area(See column 3, lines 39-46, column 5, lines 8-18. A focus evaluation value(i.e. partial focal length) is calculated for each image detecting area.),

calculating the reliability of each image detecting area based on the position at which said peak value has been recorded moving across the multiple image data(The reliability of each image detecting area is determined by comparing the image detecting area to the surrounding image detecting areas, column 5, lines 18-44. See figure 6, block g(3,4) is judged reliable and used for focal length detection if the pixels around it are of the same object distance. This position correlates to the position of the maximum focus evaluation value(i.e. peak value), column 5, lines 32-36.), and

selecting a focal length from a group consisting of said partial focal lengths(column 5, lines 18-44) and at least one given focal length(A predetermined(i.e. given) focal length may be used to detect a depth of field, column 3, line 67 through column 4, line 3.), said focal length selected based on the reliability and the evaluated

values of each respective image detecting area(See column 5, lines 18-44. Each image detecting area is used to establish a focus evaluation value, and these values are compared to determine the reliability of the areas and use the appropriate one containing the main subject.).

Consider claim 14, and as applied to claim 12 above, Kakiuchi teach of using color data of a plurality of colors to detect focal length and capture images(see claim 12 rationale). Kakiuchi teaches of detecting focal lengths based on multiple image data, specifically detecting the focal length based on the image data which has the peak contrast value(See column 5, lines 1-7. The AF signal of the color having the highest contrast(i.e. a peak value of contrast evaluated values) is used to perform auto-focus(i.e. to calculate a focal length). The data of the color having the highest contrast is obtained from among the multiple image data of all the different colors. See step 105 for choosing which color data to use, and steps 106 and 111 for calculating the focal length.). Kakiuchi further teaches that each color data can be used to calculate the focal length and capture the images(see claim 12 rationale). However, Kakiuchi does not explicitly teach of a plurality of image detecting areas adjacent to one another.

Omata et al. is similar to Kakiuchi in that Omata et al. include a camera, which has a lens system with a driver for changing a focal length, and an image pickup device, see figures 1 and 2. Omata et al. is further similar in that brightness data from the image sensor can be used for focusing(column 1, lines 45-65).

In addition to the teachings of Kakiuchi, Omata et al. teach:



setting a plurality of image detecting areas adjacent to one another for the image data(see figure 5, column 3, lines 34-37),

calculating a partial focal length for each image detecting area(See column 3, lines 39-46, column 5, lines 8-18. A focus evaluation value(i.e. partial focal length) is calculated for each image detecting area.),

calculating the reliability of each image detecting area based on the position at which said peak value has been recorded moving across the multiple image data(The reliability of each image detecting area is determined by comparing the image detecting area to the surrounding image detecting areas, column 5, lines 18-44. See figure 6, block g(3,4) is judged reliable and used for focal length detection if the pixels around it are of the same object distance. This position correlates to the position of the maximum focus evaluation value(i.e. peak value), column 5, lines 32-36.), and

selecting a focal length from a group consisting of said partial focal lengths(column 5, lines 18-44) and at least one given focal length(A predetermined(i.e. given) focal length may be used to detect a depth of field, column 3, line 67 through column 4, line 3.), said focal length selected based on the reliability and the evaluated values of each respective image detecting area(See column 5, lines 18-44. Each image detecting area is used to establish a focus evaluation value, and these values are compared to determine the reliability of the areas and use the appropriate one containing the main subject.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to divide an image into a plurality of image detecting areas

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adjacent to one another and use the plurality of areas to determine focus values and reliability as taught by Omata et al., with the multiple image data captured by Kakiuchi for the benefit of being able to accurately detect a compositional change in an image so that a continuous focus can be achieved on a main object which an operator intends to focus(Omata et al., column 1, line 66 through column 2, line 2).

9. Claims 6(2) and 14(13) are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakiuchi in view of Watanabe et al. as applied to claims 2 and 13 above, and further in view of Omata et al.

Consider claim 6, and as applied to claim 2 above, Kakiuchi teaches of detecting focal lengths based on multiple image data, specifically detecting the focal length based on the image data which has the peak contrast value(see claim 1 rationale). However, the combination of Kakiuchi and Watanabe et al. does not explicitly teach of a plurality of image detecting areas adjacent to one another.

Omata et al. is similar to Kakiuchi in that Omata et al. include a camera, which has a lens system with a driver for changing a focal length, and an image pickup device, see figures 1 and 2. Omata et al. is further similar in that brightness data from the image sensor can be used for focusing(column 1, lines 45-65).

Omata et al. teach setting a plurality of image detecting areas adjacent to one another in obtained image data(see figure 5, column 3, lines 34-37),

calculating a partial focal length for each image detecting area(See column 3, lines 39-46, column 5, lines 8-18. A focus evaluation value(i.e. partial focal length) is calculated for each image detecting area.),

calculating the reliability of each image detecting area based on the position at which said peak value has been recorded moving across the multiple image data(The reliability of each image detecting area is determined by comparing the image detecting area to the surrounding image detecting areas, column 5, lines 18-44. See figure 6, block g(3,4) is judged reliable and used for focal length detection if the pixels around it are of the same object distance. This position correlates to the position of the maximum focus evaluation value(i.e. peak value), column 5, lines 32-36.), and

selecting a focal length from a group consisting of said partial focal lengths(column 5, lines 18-44) and at least one given focal length(A predetermined(i.e. given) focal length may be used to detect a depth of field, column 3, line 67 through column 4, line 3.), said focal length selected based on the reliability and the evaluated values of each respective image detecting area(See column 5, lines 18-44. Each image detecting area is used to establish a focus evaluation value, and these values are compared to determine the reliability of the areas and use the appropriate one containing the main subject.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to divide an image into a plurality of image detecting areas adjacent to one another and use the plurality of areas to determine focus values and reliability as taught by Omata et al., with the multiple image data captured by the

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combination of Kakiuchi and Watanabe et al. for the benefit of being able to accurately detect a compositional change in an image so that a continuous focus can be achieved on a main object which an operator intends to focus(Omata et al., column 1, line 66 through column 2, line 2).

Consider claim 14, and as applied to claim 13 above, Kakiuchi teach of using color data of a plurality of colors to detect focal length and capture images(see claim 12 rationale). Kakiuchi teaches of detecting focal lengths based on multiple image data, specifically detecting the focal length based on the image data which has the peak contrast value(See column 5, lines 1-7. The AF signal of the color having the highest contrast(i.e. a peak value of contrast evaluated values) is used to perform auto-focus(i.e. to calculate a focal length). The data of the color having the highest contrast is obtained from among the multiple image data of all the different colors. See step 105 for choosing which color data to use, and steps 106 and 111 for calculating the focal length.). Kakiuchi further teaches that each color data can be used to calculate the focal length and capture the images(see claim 12 rationale). However, the combination of Kakiuchi and Watanabe et al. does not explicitly teach of a plurality of image detecting areas adjacent to one another.

Omata et al. is similar to Kakiuchi in that Omata et al. include a camera, which has a lens system with a driver for changing a focal length, and an image pickup device, see figures 1 and 2. Omata et al. is further similar in that brightness data from the image sensor can be used for focusing(column 1, lines 45-65).

In addition to the teachings of Kakiuchi and Watanabe et al., Omata et al. teach:  
setting a plurality of image detecting areas adjacent to one another for the image data(see figure 5, column 3, lines 34-37),

calculating a partial focal length for each image detecting area(See column 3, lines 39-46, column 5, lines 8-18. A focus evaluation value(i.e. partial focal length) is calculated for each image detecting area.),

calculating the reliability of each image detecting area based on the position at which said peak value has been recorded moving across the multiple image data(The reliability of each image detecting area is determined by comparing the image detecting area to the surrounding image detecting areas, column 5, lines 18-44. See figure 6, block g(3,4) is judged reliable and used for focal length detection if the pixels around it are of the same object distance. This position correlates to the position of the maximum focus evaluation value(i.e. peak value), column 5, lines 32-36.), and

selecting a focal length from a group consisting of said partial focal lengths(column 5, lines 18-44) and at least one given focal length(A predetermined(i.e. given) focal length may be used to detect a depth of field, column 3, line 67 through column 4, line 3.), said focal length selected based on the reliability and the evaluated values of each respective image detecting area(See column 5, lines 18-44. Each image detecting area is used to establish a focus evaluation value, and these values are compared to determine the reliability of the areas and use the appropriate one containing the main subject.).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to divide an image into a plurality of image detecting areas adjacent to one another and use the plurality of areas to determine focus values and reliability as taught by Omata et al., with the multiple image data captured by the combination of Kakiuchi and Watanabe et al. for the benefit of being able to accurately detect a compositional change in an image so that a continuous focus can be achieved on a main object which an operator intends to focus(Omata et al., column 1, line 66 through column 2, line 2).

10. Claims 10(8) and 10(9) are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakiuchi in view of Omata et al. as applied to claims 8 and 9 above, and further in view of Watanabe et al.

Consider claim 10, and as applied to claim 8 above, the combination of Kakiuchi and Omata et al. does not explicitly teach that the focusing device is provided with an auxiliary light device for emitting light with given color data.

Watanabe et al. is similar to Kakiuchi in that Watanabe et al. include a camera, which has a lens system with a driver for changing a focal length, and an image pickup device, see figure 1. Watanabe et al. is further similar in that focusing conditions are changed using the contrast method(paragraph 0005).

However, Watanabe et al. teach of emitting auxiliary light, paragraph 0072. An auxiliary light(122, figure 1) is used to illuminate the subject when the brightness level is

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low in order to perform correct auto-focus. The auxiliary light inherently produces given color data, and illuminates a subject when the brightness is low so that auto-focus image data(i.e. the image data) can be obtained.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to use an auxiliary light as taught by Watanabe et al. in the device for detecting a focal length taught by the combination of Kakiuchi and Omata et al., in order to sustain a high level of focal adjustment accuracy by calculating the correct focus evaluation values in differing image capturing conditions(Watanabe et al., paragraph 0014) and compensate for low lighting conditions(Watanabe et al., paragraph 0072).

Consider claim 10, and as applied to claim 9 above, the combination of Kakiuchi and Omata et al. does not explicitly teach that the focusing device is provided with an auxiliary light device for emitting light with given color data.

Watanabe et al. is similar to Kakiuchi in that Watanabe et al. include a camera, which has a lens system with a driver for changing a focal length, and an image pickup device, see figure 1. Watanabe et al. is further similar in that focusing conditions are changed using the contrast method(paragraph 0005).

However, Watanabe et al. teach of emitting auxiliary light, paragraph 0072. An auxiliary light(122, figure 1) is used to illuminate the subject when the brightness level is low in order to perform correct auto-focus. The auxiliary light inherently produces given

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color data, and illuminates a subject when the brightness is low so that auto-focus image data(i.e. the image data) can be obtained.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to use an auxiliary light as taught by Watanabe et al. in the device for detecting a focal length taught by the combination of Kakiuchi and Omata et al., in order to sustain a high level of focal adjustment accuracy by calculating the correct focus evaluation values in differing image capturing conditions(Watanabe et al., paragraph 0014) and compensate for low lighting conditions(Watanabe et al., paragraph 0072).

11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kakiuchi in view of Yoshida et al.(US Patent 5,189,524).

Consider claim 16 and as applied to claim 15 above, Kakiuchi does not explicitly teach of a warning device for indicating that image capturing is underway.

Yoshida et al. is similar to Kakiuchi in that a camera is capturing image data.

However, in addition to the teachings of Kakiuchi, Yoshida et al. teach of a warning device for indicating that image capture is underway(see figures 6a, 6b, and 6c, "REC").

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention to include an indicator as taught by Yoshida et al. in the



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image capturing apparatus taught by Kakiuchi for the benefit of eliminating user confusion(Yoshida et al., column 1, lines 56-64).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert H. Cutler whose telephone number is (571)-270-1460. The examiner can normally be reached on Mon-Fri (7:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571)-272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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AC

  
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